

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

LESLIE CARNEIL BLAKE

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

WARDEN KEVIN PISTRO

OFFICER FREEMAN

OFFICER LEROY

21-572

COMPLAINT

Jury Trial: ☒ Yes ☐ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Street Address

County, City

State & Zip Code

Telephone Number

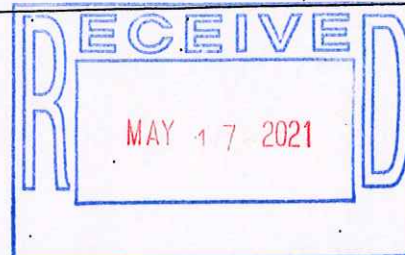
LESLIE CARNEIL BLAKE

FEDERAL CORRECTIONAL COMPLEX - ALLENWOOD

PO. BOX 1000

WHITE DEER PA. 17887

Rev. 10/2009



05/07/2021

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name WARDEN KEVIN RISTRO
 Street Address 7TH AND ARCH ST. (FDC)
 County, City _____
 State & Zip Code PA. 19106

Defendant No. 2

Name OFFICER LEROY
 Street Address 7TH AND ARCH ST. (FDC)
 County, City _____
 State & Zip Code PA. 19106

Defendant No. 3

Name OFFICER FREEMAN
 Street Address 7TH AND ARCH ST. (FDC)
 County, City _____
 State & Zip Code PA. 19106

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)
☒ Federal Questions ☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 8TH AMENDMENT / FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? FEDERAL DETENTION
CENTER, PHILADELPHIA, PA. 19106

B. What date and approximate time did the events giving rise to your claim(s) occur? _____
10-01-2020 THROUGH 12-03-2020

C. Facts: SEE ATTACHED 3 PAGE DOCUMENT

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

TRULINCS 37600068 - BLAKEY, LESLIE - Unit: ALF-U-A

FROM: 37600068
 TO: Blakey, Christine
 SUBJECT: Legal Draft
 DATE: 05/12/2021 07:53:48 PM

Plaintiff: Leslie Carnell Blakey

FACTS:

On October 2020 through December 3, 2020 my constitutional right to be free from cruel and unusual punishment was violated by Warden Kevin Pistro.

On the dates 10-2-2020 through ~~Friday~~ 10-6-2020, 10-9-2020 through ~~Friday~~ 10-13-2020, 10-16-2020 through 10-20-2020 and 10-23-2020 through ~~Friday~~ 10-30-2020, Warden Kevin Pistro decided to keep me locked in my cell for 24 hours a day during the above mentioned dates with no justification in doing so. I had done nothing to deserve such cruel and unusual punishment. Additionally, in this lockdown the toilets did not have running water meaning that they would not flush. I was forced to take care of my human necessities in this form so I was forced to be in confinement sleeping and eating with human waste lingering in and out of the toilet and because of this I became very sick and suffered from vomiting and diarrhea with no medical attention given.

Specifically on Friday 11-13-2020 my toilet would not flush. This time it was because it needed to be reset and so I reported the issue at 8:00pm. Officer Freeman came up the steps and said, "Something stinks in here."

To which I responded that the smell was of all the feces lingering in my room mixed with urine. I asked if I could get a bucket of clean water from the utility room to flush the toilet and to be able to clean up all the feces and urine in the floor, to which she responded "No."

On Saturday I began to suffer from diarrhea and on Sunday I could not stop vomiting.

Later, I spoke to Officer Leroy; to that request he contacted medical and medical responded that they would send someone but no medical staff came to see me. On Monday 11-16-2020 I told Officer Leroy that no medical staff had come and that my condition had worsened severely. To that he responded that someone would come to see me but still they did not come. By this time the mixture of feces and urine was all over the floor. On Tuesday morning my toilet flushed by itself. It turns out that all they had to do was to push one button to get the toilet to flush. That day I saw a doctor on the unit and she gave me medication for diarrhea and Tylenol. I had to suffer all weekend over a push of a button. And that is only one example of all the dates stated initially.

Furthermore, on 11-9-2020 an inmate named Juan from Cell # 34 was the first to test positive for COVID-19 and instead of isolating him, Warden Kevin Pistro decided to lock the entire unit down and let inmate Juan stay on the unit. But although we were on lockdown we all still used the same showers and phones and we all touched the same surfaces as inmate Juan did. Not long after that inmate Juan's cellmate and myself both tested positive for COVID-19.

Because of the cruel and unusual manner in which "Warden Kevin Pistro", "Officer Freeman", and "Officer Leroy" acted towards my person, disregarding unjustifiably all of my pleas and denying to take the precautionary measures for preventing the spread of COVID-19 set forth in the guidelines indicated at the time by the Centers for Disease Control and Prevention and because of them cruelly denying my the most basic of humane treatment, since that time I have been plagued by severe anxiety and depression issues and physical pains due to the long-lasting symptoms due to COVID-19.

In closing, Warden Kevin Pistro was negligent, and did not follow CDC guidelines of:

Testing - No inmates or staff were tested prior to October COVID-19 breakouts.

Mask Wearing - Warden Kevin Pistro did not enforce mask wearing as only about 7% of the inmates wore masks.

Social Distancing - Although it's difficult to social distance in prison, Warden Kevin Pistro did not enforce social distancing such as: Inmates were still playing basketball, chess, working out, giving each other haircuts, etc.

Warden Kevin Pistro ignored BoP regulations such as:

Wiping and cleaning recreation area in between upstairs and downstairs recreation, distributing hygiene products on weekly basis (all hygiene products was stored away and inmates had no access to them during lockdown and quarantine). Warden Kevin Pistro downplayed COVID-19 that directly lead to me contacting COVID-19.

Warden Kevin Pistro was deceitful in his reasoning for the lockdown. Warden Kevin Pistro claimed that there was plumbing problems due to inmates flushing drugs and commissary through the drain pipe causing the drain to get clogged. This was not plausible for several reasons:

1.) A drain problem in the basement is not an excuse to lockdown the entire prison.

TRULINCS 37600068 - BLAKEY, LESLIE - Unit: ALF-U-A

- 2.) Being a plumber myself, if a drain is clogged there can be no water running. In this case, the hot water was still on in the cells, hot and cold water was on in the showers and utility room.
- 3.) No plumbing problem happens from Friday to Tuesday every week. The plaintiff alleges the reasoning for the lockdown was because in October 2020 staff was calling off from work because they had contracted COVID-19. FDC was short of staff. Warden Kevin Pistro could not relay that information due to security. He then fabricated the plumbing story and turned off the cold water every Friday. Warden Kevin Pistro was calculating, deceitful, and cruel in his decision to make inmates suffer to advance his deceitful agenda. Warden Kevin Pistro is guilty of violating this plaintiff's 8th amendment right against cruel and unusual punishment.

All allegations in this document can be co-oberated by video surveillance and my detailed notes taken at the time.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. BECAUSE OF THE CRUEL AND UNUSUAL MANNER IN WHICH THE STATED INDIVIDUALS ACTED DELIBERATELY AND WILLINGLY DISREGARDING UNJUSTIFIABLY ALL OF MY PLEAS AND DENYING TO TAKE THE PRECAUTIONARY MEASURES FOR PREVENTING THE SPREAD OF COVID-19 SET FORTH IN THE GUIDELINES INDICATED AT THE TIME BY THE (CDC) AND BECAUSE OF THEM CRUELLY DENYING ME THE MOST BASIC OF HUMAN TREATMENT, SINCE THAT TIME I HAVE BEEN PLAGUED BY SEVERE ANXIETY AND DEPRESSION ISSUES AND PHYSICAL PAINS DUE TO THE UNCLASTING SYMPTOMS DUE TO COVID-19

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

1. \$ COMPENSATORY DAMAGES: 512,362.85
2. PUNITIVE DAMAGES: 556,132.72
3. THE PERMANENT AND UNCONDITIONAL RESIGNATION OF THE ABOVE NAMED DEFENDANTS.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of MAY, 20 21

Signature of Plaintiff

Leslie Bleskey

Mailing Address

LSCI Box 1000
WHITE DEER PA 17887

Telephone Number

Fax Number (if you have one)

E-mail Address

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this 15 day of MAY, 20 21, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff

Leslie Bleskey

Inmate Number

37600068

Leslie Blakey 37600068
LSCI
Box 1060
White Deer PA 17887

37600-068
United States Courthouse
610 Market ST
Phila, PA 19106
United States

